

UNITED STATES DISTRICT COURT

for the
District of New MexicoUnited States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
Body of Myzel HAYES by way of buccal swab

Case No. 22 MR 1006

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See attachment A

located in the _____ District of _____ New Mexico, there is now concealed (identify the person or describe the property to be seized):

See attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 922(g)(1)	Felon in possession of a firearm

The application is based on these facts:

See attached affidavit, which is incorporated herein by reference.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Brittany Chacon, FBI Task Force Officer

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 _____ Telephone _____ (specify reliable electronic means).

Date: 6/29/2022

City and state: Albuquerque, New Mexico



B. Paul Briones
 Honorable Laura Fashing, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

INTRODUCTION

I, Brittany Chacon, being duly sworn, depose and state:

1. I have been a law enforcement officer since 2019 and am employed as a Police Officer with the Albuquerque Police Department (“APD”). I am assigned to APD’s Field Services Bureau. I am a sworn Task Force Officer (“TFO”) with the Federal Bureau of Investigation (“FBI”). I am assigned to the Violent Crime and Task Force (“VCTF”) at the Albuquerque Field Office of the FBI as a TFO. I primarily investigate gang-criminal enterprises and drug trafficking organizations involved in unlawful possession of firearms, distribution of controlled substances, racketeering activities, and conspiracies associated with these offenses. I have received on the job training from other experienced detectives and agents in the investigation of gangs and criminal organizations. My investigative training and experience includes, but is not limited to, APD’s Police Academy at Albuquerque, NM; interviewing subjects, targets, and witnesses; writing affidavits for and executing search and arrest warrants; collecting evidence; conducting surveillance; and analyzing public records. The information included herein is based on police reports and conversations with law enforcement officers regarding Myzel HAYES (hereinafter “HAYES”).

2. I know that firearms are tools of the trade and instrumentalities of the crime of drug trafficking, particularly in instances involving subjects who have committed prior violent crimes and/or firearms violations – such as the case in this investigation. Additionally, persons who unlawfully possess firearms often leave behind their DNA on those firearms.

3. Because this affidavit is being submitted for the limited purpose of seeking a search warrant, I have not set forth each and every fact learned during the course of this investigation. I have set forth only the facts that I believe are necessary to establish the foundation for an order authorizing the requested search warrant.

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PURPOSE OF THE AFFIDAVIT

1. As set forth herein, there is probable cause to believe that collecting DNA samples from the body of HAYES will lead to evidence of violations of 18 U.S.C. §§ 922(g)(1) and 924 – Felon in Possession of a Firearm. There is probable cause to believe that HAYES’S DNA will be found on certain pieces of evidence collected in this investigation as well as a peripheral investigation. Therefore, there is probable cause to collect a DNA sample from HAYES via buccal swab in order to compare it with samples collected from the lawfully seized evidence in this case and a peripheral case.

BACKGROUND

1. Based on my review of New Mexico Court records, California Court records, law enforcement data bases, discussion with other law enforcement officials, and conversations with HAYES, I understand that HAYES is a felon with convictions for the following felony offenses:

- a) 05NF0858-F-A: Possession of a Controlled Substance with Intent to Sell or Distribute by guilty plea on or about October 8, 2004 in the Superior Court of the State of California and for the County of Orange.
- b) 04CF2942-F-A: Robbery by guilty plea on or about December 2, 2005 in the Superior Court of the State of California, County of Orange.

I am also aware through training and experience that when individuals are apprised of their sentence following convictions, they are also apprised of their status as a felon and their inability to possess firearms. Additionally, I reviewed judgement and sentence reports related to HAYE’S convictions and they appear to bear his signature acknowledging his status.

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1. In addition to his convictions, HAYES was charged and/or arrested for the following in New Mexico:
 - a. T-4-FR-2021003042: Aggravated Battery (Great Bodily Harm);
 - b. T-4-DW-2012004693: Driving While Under the Influence (DWI);
 - c. T-4-CR-2013004889: Assault on a Police Officer;
 - d. T-4-CR-2010025943: Concealing Identity;
 - e. T-4-CR-2020000564: Driving with a Revoked License; and
 - f. T-4-DW-2019002640: Aggravated DWI.
2. On June 25, 2021, Albuquerque Police Department (“APD”) officers responded to a shooting near Menaul Boulevard and 12th Street in northwest Albuquerque, New Mexico. APD officers encountered the victim, C.J., whose identity is known to investigators, with multiple gunshot wounds to the abdomen and lower extremities. C.J. was treated on scene and transported to the University of New Mexico Hospital in critical condition.
3. On June 29, 2021, Albuquerque Police Department (“APD”) officers interviewed C.J. who reported an individual C.J. knew as “JAZZE” shot C.J. multiple times at close range. C.J. fled the area to get help and was subsequently encountered by APD and emergency medical services. APD Gang Detectives were able to identify JAZZE as HAYES. Based on the shooting and the victim interview, APD detectives sought authority to search HAYES’S residence for related evidence.

EVIDENCE GATHERED

1. On August 11, 2021 APD Gang Detectives served a lawfully obtained search warrant on HAYES’S residence located at 4701 Irving Boulevard Northwest, Apartment #1806, Albuquerque, New Mexico 87114. At the time of the search, HAYES was the sole adult occupant of the residence; the other individual present was a young child he described as his

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daughter. During the search, detectives located two firearms in the hallway closet of the residence. In the same closet, detectives also found 9 rounds of .22 caliber ammunition in the magazine, 27 rounds of .38 Special ammunition, and 1 round of .40 caliber ammunition.

2. In a recorded, post-*Miranda* interview conducted by APD Gang Detectives, HAYES acknowledged he resided with his girlfriend at the residence detectives searched but that his girlfriend was not present at the time of the search.

3. Hayes is presently in custody at the Metropolitan Detention Center (“MDC”) pending state charges in Bernalillo County, including: aggravated battery with a deadly weapon.

CONCLUSION

1. Based on the above information, I believe that there is probable cause to believe that evidence of violations of 18 U.S.C. §§ 922(g)(1) and 924 - Felon in Possession of a Firearm – will be at the places to be searched at the time of search. WHEREFORE, I respectfully request the Court issue a warrant authorizing a search of the body of HAYES to pull a DNA profile by way of buccal swabs.

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I declare under penalty of perjury the statements above are true and correct to the best of my knowledge and belief. This affidavit was reviewed and approved by Supervisory Assistant United States Attorney Jack Burkhead.

Respectfully submitted,



Brittany Chacon
FBI Task Force Officer

Sworn to me telephonically and signed electronically on June 29, 2022:



UNITED STATES MAGISTRATE JUDGE

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

ATTACHMENT A

PERSON TO BE SEARCHED:

The Body of Myzel Hayes (YOB 1986)



AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

ATTACHMENT B

ITEMS TO BE SEIZED:

Task Force Officers and Agents will collect DNA of HAYES by way of buccal swabs.